

REMARKS

Claims 1-21 are currently pending in the application. No new matter has been added.

In the claimed invention, a network scanner apparatus is capable of directly transmitting an image data signal from a scanner device to a network-connected terminal without using the intermediary of a mail server or other server apparatus. A scanner apparatus 100 is connected to at least one terminal (which may be a PC and/or a workstation) via an Ethernet 200 or other network, such that, among other things, a control portion 4 controls the network by the use of a Transmission Control Protocol (TCP) and an Internet Protocol (IP). There may be a first and a second terminal, with the first terminal connected to the second terminal via a router. The image data signal may be directly transmitted to the terminal without using a server, and the readout image data signal may be directly transmitted to the terminal via TCP/IP protocol using the IP address as the transmitting destination in the network scanner apparatus. As a result, the image data signal may be transmitted without the intermediary of a mail server or other server apparatus on the network, thus enhancing the controllability of the network by reducing the load on the server.

Claims 1, 3-9, 11-14, 16-18, and 20-21 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,862,202 to Bashoura et al. in view of W. Richard Stevens, TCP/IP Illustrated: The Protocols, Chapters 17 and 28 (1994) (hereinafter, "Stevens").

Claims 2, 10, 15, and 19 were rejected under 35 U.S.C. § 103(a) as unpatentable over Bashoura et al. in view of Stevens and further in view of U.S. Patent No. 6,674,537 to Kadowaki.

Applicant respectfully traverses these rejections for the reasons discussed below.

The Examiner's rejection of Claims 1-21 is based on the erroneous and unsupported assumption that it is obvious, in view of references involving the use of fax technology, to provide a network scanner apparatus capable of directly

transmitting image data, which may not be fax data, from a scanner device to a PC without using a mail server or other server apparatus.

The combination relied on by the Examiner to reject Claims 1-21 involves (i) the system and method for routing faxes of Bashoura et al. (which the Examiner erroneously argues necessarily suggests all imaging technologies, even though Bashoura et al. expressly require the use of fax technology), (ii) some general background information on using TCP and SMTP provided by Stevens, and (iii) the imaging processing technology which Kadowaki discloses as embodied in fax applications.

Bashoura et al. provide a fax sender, which may be connected to a fax director and a local computer. Such connections may use the Internet or a conventional telephone line. A fax may be received by a fax converter in the fax director, which converts the received fax into a computer file that may be delivered to the local computer and stored. An Internet address corresponding to a telephone number to which the fax is to be sent may be obtained from the table in the computer. If the Internet address is an IP address, the FTP software may cause the computer file to be delivered via FTP. If the Internet address is an email address, the email software may cause the computer file to be delivered as an email attachment.

With regard to Stevens, the chapters referenced by the Examiner provide general information on TCP and SMTP. Other than general information on the use of TCP and SMTP, the Examiner does not contend that the referenced chapters of Stevens contain any discussion relevant to the substance of the claimed invention.

Finally, Kadowaki discloses a data processing method in a network system connected to an image processing apparatus, with particular attention in the disclosure to embodiments involving fax applications.

The combination proposed by the Examiner does not, therefore, provide a network scanner apparatus which is capable of directly transmitting an image data signal from a scanner device to a PC without using a mail server or other server apparatus, which is what the claimed invention does.

Claims 1, 3-9, 11-14, 16-18, and 20-21

The Examiner's rejection of Claims 1, 3-9, 11-14, 16-18, and 20-21 essentially repeats the grounds of rejection provided in the previous office action, with the differences generally relating to matters of form rather than substantive content. Applicant therefore incorporates the response to the previous office action by references as if it were fully restated herein.

Claims 1, 3-9, 11-14, 16-18, and 20-21 of the claimed invention do not discuss the transmission, delivery, or reception of faxes, whereas Bashoura et al. require the use of fax technology. Stevens provides only general information on the use of TCP and SMTP and, therefore, does not make up for the deficiencies of Bashoura et al. The combination proposed by the Examiner does not, as a result, provide a network scanner apparatus which is capable of directly transmitting an image data signal from a scanner device to a PC without using a mail server or other server apparatus, which is the problem addressed by the claimed invention.

With reference to the Examiner's reliance on Official Notice in rejecting Claim 7, Applicant respectfully traverses on the additional basis that the Examiner's comments constitute impermissible hindsight and an improper assertion of technical fact in an area of esoteric technology without support by citation of any reference work. *See* M.P.E.P. § 2144.03 (citing *In re Ahlert*, 424 F.2d 1088, 1091, 165 U.S.P.Q. 418, 422-21 (C.C.P.A. 1970)).

Claims 1, 3-9, 11-14, 16-18, and 20-21 are not anticipated by Bashoura et al. in view of Stevens and should be allowed.

Claims 2, 10, 15, and 19

The Examiner's rejection of Claims 2, 10, 15, and 19 essentially repeats the grounds of rejection provided in the previous office action, with the differences generally relating to matters of form rather than substantive content. Applicant therefore incorporates the response to the previous office action by references as if it were fully restated herein.

As in the response to the previous office action, Applicant traverses the rejection of Claims 2, 10, 15, and 19 on the basis that the combination does not

WN-2298

suggest Claims 2, 10, 15, and 19. These claims do not discuss the transmission, delivery, or reception of faxes, whereas Bashoura et al. require the use of fax technology. These claims do not result from (i) a combination of a fax routing system or method as in Bashoura et al. (ii) information from a text on the use of TCP and SMTP, such as Stevens, and with (iii) Kadowaki's method for data processing in a network system connected to an image processing apparatus.

Claims 2, 10, 15, and 19 are not anticipated by Bashoura et al. in view of Stevens and in further view of Kadowaki and should be allowed.

Conclusion

In view of the foregoing, Applicant submits that all of Claims 1-21 are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed.

Applicant hereby makes a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041 (Whitham, Curtis & Christofferson).

Respectfully submitted,



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